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Date: March 15, 2010

Patent 0-05-165/16015/US/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Fishler
Serial no.: 10/552,377
371(c) Filing date: August 15, 2006
IA Filing date: April 8, 2004
Title: SOLID BIOCIDAL FORMULATIONS
Examiner: Sarah Pihonak
Art Unit: 1627
Confirmation: 9287

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Response and Amendment

This response is in reply to the final office action mailed on December 18, 2009 and the advisory action mailed on February 16, 2010. In addition to this response (which differs from the after-final response), Applicant encloses an RCE submission with the appropriate fees thereof.

Claim Amendments

Please amend claims as shown on the attached marked-up pages.

The critical feature of the instant biocidal composition, namely its fire retardancy, has been added to still better distinguish the instant invention from prior art; the support is in paragraph 0013 of the publication of the instant application. Non-comburancy according to the UN test is supported in par. 0006.

The "comprising" language has been amended to "consisting of", in response to Examiner's note in the Advisory Action, making still clearer that the instant composition is not a structured object having more phases, coats or layers, or even organic layers, but a homogeneous mixture of biocidal components and inorganic compounds, arranged to smaller or bigger parts (specified in claim 20 as, for example, powder or briquettes). The phrases "Organic compounds being avoided" and "eventual organic or oxidizable matter" are supported on page 1 of the specification, the phrase "heating source such as fire" on page 3.

The wording "mixture" has been amended back to "composition" to conform it better with the dependent claims.

The amended wording further emphasizes the inorganic character of the flammability-modifying components.